

<p style="text-align: center;">Minutes of the Annual Town Meeting May 13, 2019</p>
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Moderator Karen Ludington opened the Annual Town Meeting on Monday, May 13, 2019, at 7:15 p.m. at the Ayer Shirley Middle School Auditorium, 1 Hospital Road. Mike Detillion led the meeting in the Pledge of Allegiance. The Town Clerk had sworn the following people to serve as tellers: Mike Detillion, James Thibeault, Joe Stanislaw and Ted Landry. Judy Stanislaw, Nancy Landry, Kathie Bradley and Laurie Witherell checked voters into the meeting. 107 voters checked in.

Tim Zessin, Town Counsel from Kopelman and Paige, was in attendance and seated at the table on the stage with the Town Administrator Mike McGovern, Town Accountant Heather Varney and Town Clerk Bill Oelfke.

Copies of the warrant were put on the Town's website, properly posted by the constable, and were available at the check-in area for attendees to bring into the meeting to refer to.

Article 1: Accept Annual Town Report

Debra Flagg moved, seconded by Bryan Sawyer, to accept the reports of the Board of Selectmen and other Town Officers for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018.

Card Vote: Moderator declared Passed by Majority.

**Article 2: Accept Salary Classification Plan & FY 2020 Wage Scale
(See Appendices
A & B)**

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 2 as printed in the Warrant. The warrant asked to accept the salary Classification Plan as set forth as Appendix A in the warrant and to amend the FY 2020 Wage Scale by 2.0% COLA effective July 1, 2019 as set forth in Appendix B.

Card Vote: Moderator declared Passed by Majority

Article 3: Appropriate Omnibus Operating Budget for FY 2020

MOTION 1: GENERAL GOVERNMENT

Debra Flagg moved, seconded by Bryan Sawyer, that the Town vote to appropriate the sum of \$14,999,954 for the Omnibus Operating Budget of the Town for the period beginning July 1, 2019 through June 30, 2020, as printed in the warrant under Article 3, in order to defray the operations and other necessary and proper charges, costs, and expenses of the Boards, Commissions, Committees, Officers, and Departments of the Town, together with the payment of debt service, for said Fiscal Year 2020, with each department considered to be a separate appropriation and as funding therefor to transfer from FY19 Cemetery Operating Budget the sum of \$4,872 and raise and appropriate the sum of \$14,995,082.

Card Vote: Moderator declared Passed by Majority.

Moderator read each line item and the dollar amount proposed for each line item in the category and asked voters to say “HOLD” if they wished to discuss a specific item in more detail. There were HOLDS in the following departments:

- 1. Town Administrator**
- 2. Town Accountant**
- 3. Police**
- 4. DPW General**
- 5. Board of Health Recycling**

MOTION 2: “UNHELD” ITEMS:

Debra Flagg moved, seconded by Bryan Sawyer, to approve the unheld items (all items in the Omnibus Article except the five listed above) in the amount of \$12,831,474.

Card Vote: Moderator Declared Passed by Majority.

MOTION 3: TOWN ADMINISTRATOR (“HELD” ITEM):

Audience member had question regarding this budget item. Limited discussion. Moderator put to a vote.

Card Vote: Moderator Declared Passed by Majority.

MOTION 4: TOWN ACCOUNTANT (“HELD” ITEM):

Audience member had question regarding this budget item. Limited discussion. Moderator put to a vote.

Card Vote: Moderator Declared Passed by Majority.

MOTION 5: POLICE (“HELD” ITEM):

Audience member had question regarding this budget item. Limited discussion. Moderator put to a vote.

Card Vote: Moderator Declared Passed by Majority.

MOTION 6: DPW GENERAL (“HELD” ITEM):

Audience member had question regarding this budget item. Limited discussion. Moderator put to a vote.

Card Vote: Moderator Declared Passed by Majority.

MOTION 7: BOH RECYCLING (“HELD” ITEM):

Jay Howlett, Chairman of the Shirley Board of Health, “held” this item so that he could fully explain the new trash collection system being proposed by the Town. Jay made a lengthy presentation, with powerpoint presentation, describing the trash bins versus trash bags issue with cost comparisons and explanations of why the Board of Health are recommending this change in trash collection procedures. Jay answered numerous questions from audience members regarding the costs of the new process, the bins themselves and other various questions that were addressed to him.

Card Vote: Moderator declared Passed by Majority.

ARTICLE 4 Approve Five-Year Capital Improvement Plan (See Appendix C)

Moved by Debra Flagg, seconded by Bryan Sawyer, to approve Article 4 as printed in the warrant. The warrant requested to approve and accept the FY 2020 Capital Budget, together with the capital budget for the ensuing four years, said five-year plan known as the Capital Improvement Plan, as set forth in Appendix C of the warrant.

Card Vote: Moderator declared Passed by Majority

ARTICLE 5 Appropriate Capital Item for FY2020

Moderator read each line item and the dollar amount proposed for each line item in the category and asked voters to say “HOLD” if they wished to discuss a specific item in more detail. There were HOLDS in the following items:

- 1. Trash Barrels**
- 2. Sidewalk Machine**

Moderator requested vote on all “unheld” capital items (Paving Hot Box Trailer, Town Hall Sidewalk Repair, Protective Gear, Computer Replacement, Sewer-Pressure Distribution System, Sewer-Mount Laurel Station, Sewer-Fredonian Station, and Sewer-Front Street). Moderator, at the advice of counsel, stated that this would be a 2/3rds vote since the Paving Hot Box Trailer, Protective Gear and Computer Replacement would be borrow articles that require 2/3rds vote.

MOTION 1: Debra Flagg moved, seconded by Bryan Sawyer, to approve all the projects or acquisitions set forth in Article 5, with the chart setting forth each project or item for purchase and equipping in the amount listed, including all incidental and related expenses BUT EXCLUDING THE LINES FOR TRASH BARRELS AND SIDEWALK MACHINE, with each remaining line to constitute a separate appropriation, and, for those items identified as being funded through the Sewer Operating Budget, to transfer from the FY2020 Enterprise Budget expenses line to be approved under Article 7 for such purposes; and for those items identified as being funded through a bond, to authorize the Treasurer, with the approval of the Board of

Selectmen, to borrow the sum specified in said chart pursuant to G.L. c.44, §7 or 8 or any other enabling source, and to issue bonds and notes of the Town therefor; and further that and that any premium received upon the sale of any such bonds or notes, less any premium applied to the payment of the costs of issuance thereof, may be applied to the payment of costs approved hereunder in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Card Vote: Yes – 95, No – 1 – Moderator declared passed by 2/3rd vote.

MOTION 2: TRASH BARRELS (“HELD” ITEM):

Debra Flagg moved, seconded by Bryan Sawyer, that the Town vote to appropriate the sum of \$215,000 for the purchase of trash and recycling barrels for the Solid Waste and Recycling Enterprise and, to meet said appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to the provisions of M.G.L Chapter 44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes therefor and further that and that any premium received upon the sale of any such bonds or notes, less any premium applied to the payment of the costs of issuance thereof, may be applied to the payment of costs approved hereunder in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Card Vote: Yes – 89; No – 1 – Moderator declared passed by 2/3rd vote.

MOTION 3: SIDEWALK MACHINE (“HELD” ITEM):

Deb Flagg moved, seconded by Bryan Sawyer, that the Town vote to appropriate the sum of \$155,517 for the purchase and equipping of a sidewalk machine for DPW and, to meet said appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to the provisions of M.G.L Chapter 44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes therefor; and further that and that any premium received upon the sale of any such bonds or notes, less any premium applied to the payment of the costs of issuance thereof, may be applied to the payment of costs approved hereunder in accordance with G.L.

c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Card Vote: Yes – 90; No – 1 – Moderator declared passed by 2/3rd vote.

ARTICLE 6: Revolving Funds

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 6 as printed in the warrant. The warrant requested to see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E^{1/2}, as most recently amended, to establish FY2020 spending limits for the revolving funds listed in Section 6 of the bylaw of the same name approved under Article 18 of the November 13, 2017 Special Town Meeting, all as set forth below, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below; or take any other action relative thereto.

Revolving Fund	Fiscal Year Expenditure Limit Changes from FY18 ATM
Board of Health Recycling	\$3,000
Recreational Fields	\$100,000

Card Vote: Moderator declared passed by majority

ARTICLE 7: Appropriate Sewer Commissioner Enterprise Fund Budget for FY 2020

Debra Flagg moved, seconded by Bryan Sawyer, that the Town vote to approve Article 7 as printed in the warrant, with \$84,000 from the Ordinary Expense line to be used as the funding source for various items in Article 5, as previously voted, and further that the amount raised hereunder for Ordinary Expenses shall include \$40,429 for indirect expenses appropriated under Article 3. The warrant stated to see if the Town will vote to appropriate the sum of \$1,526,826 to defray Sewer Enterprise direct and indirect costs, transfer a sum of

\$140,000 from Retained Earnings and to raise the sum of \$1,386,826 from FY2020 Wastewater receipts to fund the total costs of the Sewer Enterprise Fund for FY2020 as follows, or take any action relative thereto.

Line Number	Department	Description	FY2019 Approved	FY2020 Budget Request	FY2020 Fin Com Recommend Balan
2020-68	Sewer Enterprise	Personnel	18,945	19,750	
2020-69	Sewer Enterprise	Ordinary	555,429	580,436	
2020-70	Sewer Enterprise	Debt Service	899,247	926,640	
Subtotal	Sewer		1,473,621	1,526,826	FinCom Approval

AMENDMENT #1 – MOTION MADE BY ROBERT SCHULER, SEWER COMMISSION, TO ADD \$84,000 TO ORDINARY EXPENSE- 2020-69 AND SUBTRACT \$84,000 FROM DEBT SERVICE – 2020-70 CORRECTING ERROR IN WARRANT. SECONDED BY MEMBER OF THE AUDIENCE.

It was noted that this amendment did not change the bottom line request figure of \$1,526,826, it just reallocated the dollar amounts within the subcategories.

Card Vote: Moderator declared Passed by Majority

VOTE ON ORIGINAL ARTICLE WITH AMENDMENT –

Card Vote: Moderator declared Passed by Majority

ARTICLE 8 Appropriate Ambulance Department Enterprise Fund Budget For FY2020

Debra Flag moved, seconded by Bryan Sawyer, that the Town vote to approve Article 8 as printed in the warrant, with the amount raised hereunder for Ordinary Expenses to include \$9,400 for indirect expenses as appropriated under Article 3. The warrant stated to see if the Town will vote to appropriate the sum of \$ 233,392 to defray Ambulance Enterprise direct costs and indirect costs, and to raise the sum of \$ 199,000 from FY2020 Ambulance Enterprise receipts and

transferring \$34,392 from Ambulance Retained Earnings to fund the total costs of the Ambulance Enterprise Fund for FY2020 as follows; or to take any other action relative thereto.

Line Numbe	Department	Description	FY2019	FY2020	FY2020 Fin Com Recommended Balance
			Approved	Budget Reques	
2020-71	Ambulance	Personnel	192,305	180,009	
2020-72	Ambulance	Ordinary	40,210	53,383	
2020-73	Ambulance	Debt Service			
Subtota	Ambulance		232,515	233,392	FinCom Approval

Card Vote: Moderator declared Passed by Majority

ARTICLE 9 Appropriate for the Curbside Solid Waste/Recycling Enterprise Budget for FY 2019

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 9 as printed in the warrant, noting further that the additional amount of \$38,530 was raised and appropriated under Article 3 for Trash Enterprise indirect costs. The Warrant article requested to appropriate the sum of \$415,465 to defray Curbside Solid Waste/Recycling Enterprise direct costs, and to raise the sum of \$346,668 from FY2020 Curbside Solid Waste/Recycling Enterprise receipts, transfer the sum of \$4,320 from the DEP Recovery Program account and \$25,947 from Retained Earnings, and raise and appropriate the sum of \$38,530 for the total costs of the Solid Waste Enterprise Fund for FY2020.

Line Numbe	Department	Description	FY2019	FY2020	FY2020 Fin Com Recommended Balance Budget
			Approved	Budget Request	
2020-74	Trash Enterprise	Personnel	-	-	
2020-75	Trash Enterprise	Ordinary	350,684	415,465	
2020-76	Trash Enterprise	Debt Service	-	-	
Subtota	Trash		350,684	415,465	FinCom Approval

Card Vote: Moderator declared Passed by Majority.

ARTICLE 10

To Fund the Other Post Benefits Trust (OPEB)

Move by Debra Flagg, seconded by Bryan Sawyer, to transfer the sum of \$10,000 from Free Cash into the OPEB Trust Fund.

Card Vote: *Moderator declared Passed by Majority*

ARTICLE 11 – Nashoba Valley Technical High School MSBA Roof, Window, and Door Project

Deb Flagg moved, seconded by Bryan Sawyer, that the Town approve the **Three Million, Seven Hundred Four Thousand, Six Hundred and Sixteen Dollars (\$3,704,616)** borrowing authorized by the **Nashoba Valley Technical High School District** for the purpose of paying costs of the **Replacement of Roofs, Windows, and Doors at Nashoba Valley Technical High School, 100 Littleton Road, Westford, MA 01886**, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the **School Committee**. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) **fifty-five percent (55%)** of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Card Vote: **Moderator declared Passed by Majority.**

ARTICLE 12 – Senior Volunteer Maximum Tax Abatement

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 12 as printed in the warrant and increase the maximum reduction tax bill reduction to \$1,500 annually for seniors participating in the work-off

program. The warrant states to see if the Town would vote to accept Massachusetts General Law Chapter 59 Section 5K to allow the maximum reduction of the real property tax bill be increased from \$1,000.00 to \$1,500.00 in a given year.

Card Vote: Moderator declared Passed by Majority

ARTICLE 13 Accept Chapter 90 Funds

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 13 as printed in the warrant. The warrant requested that the Town accept and expend any funds allotted or to be allotted to the Town by the Commonwealth of Massachusetts under the so-called Chapter 90 program for the construction, reconstruction, and improvement of Town roads.

Card Vote: Moderator declared Passed by Majority

ARTICLE 14 Longley Road Over Mulpus Brook Bridge Repair Easement

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 14 as printed in the warrant. The warrant stated to see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, permanent and temporary easements in certain parcels of land adjacent to and/or contiguous to Longley Road more or less depicted on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Longley Rd Over Mulpus Brook (Bridge No. S-13-005) in the City/Town of Shirley, Middlesex County," dated 2/26/19, as said plan may be amended, on file with the Town Clerk, and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plan, as hereinafter revised, for public way purposes, including, without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, to enable the Town to undertake the Longley Road improvement project, and, further, to transfer from available Chapter 90 funds, borrow or otherwise provide a sum of money for the purpose of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action relative thereto.

Card Vote: Moderator declared Passed by Majority.

ARTICLE 15: Pond View Circle Road Acceptance

Deb Flagg moved, seconded by Bryan Sawyer, to approve Article 15 as printed in the warrant. The warrant requested that the Town vote to accept as a public town way Pond View Circle as it has been laid out by the Board of Selectmen in the location depicted on the plan entitled: "Acceptance Plan of Pond View Circle" a copy of which has been placed on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of Shirley, or take any other action relative thereto.

Sarah Widing, Planning Board Chairman, made a short presentation on the process followed by the Planning Board and the Board of Selectmen to get to the point of requesting Town Meeting for Road Acceptance.

Card Vote: Moderator declared Passed by Majority.

ARTICLE 16: Establish Special Revenue Receipts Reserved for Appropriation PEG Access and Cable Related Fund and Fund Portion of FY2020 Cable Services

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 16 as printed in the warrant and to transfer the sum of \$20,000 from Free Cash as funding for FY 2020 PEG access and cable related purposes. The warrant requested that the Town will vote to accept General Laws Chapter 44, Section 53F3/4 for the purpose of establishing a separate revenue account to be known as the Public, Educational and Government Access and Cable Related Fund, or PEG Fund, into which shall be deposited funds received in connection with a franchise or license agreement between a cable operator and the Town, and other cable-related revenues, for appropriation for cable-related purposes consistent with a cable franchise or license agreement, and in accordance with applicable law, including, but not limited to: (i) support of PEG Access cable television services; (ii) monitoring compliance of a cable operator with a cable television license; and/or (iii) preparing for the renewal of a cable license, with such action to take effect as of the first day of the fiscal year beginning July 1, 2019; to transfer any cable-related funds or receipts held by the Town to such fund; and, further, to raise and appropriate or transfer from available funds a sum of money for cable-related services for FY2020; or take any other action relative thereto.

Card Vote: Moderator Declared Passed by Majority

ARTICLE 17: Timber Rights Fund (a.k.a. – Forestry Revolving Fund /Account# 240125)

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 17 as printed in the warrant. The warrant requested that the Town will vote to authorize the Conservation Commission to expend up to the balance of the funds in the so-called Forestry Revolving Fund, which fund was under Article 15 of the June 15, 1998 Town Meeting, wherein receipts received in connection with the harvest of timber on land under the care, custody and control of the Conservation Commission, may be expended for acquisition of land by the Conservation Commission or for capital improvements to such land under the Conservation Commission's custody, or take any other action relative thereto.

The Finance Committee had initially recommended unfavorable action but John O'Keefe, Finance Committee Chairman, stated that the wording of the draft article they had read previously when they voted "unfavorable" was different from the final version of the article and that they had recently received more comprehensive information about the project. Based on that, he was now in favor of this article.

Mike Fleming, Conservation Agent, made a short statement in support of this request.

Card Vote: Moderator Declared Passed by Majority.

ARTICLE 18: Greenway Committee

Debra Flagg moved, seconded by Bryan Sawyer, that the Town vote amend the charge of the Greenway Committee, originally voted under Article VII of the May 21, 1999 Annual Town Meeting and reprinted under Article 18 of the warrant after the heading "Summary", to include the new language set forth in the bold, italicized text.

The warrant article requested that the Town will consider and vote to amend the original purpose/charge of the "Greenway Committee", as voted under Article VII of the May 21, 1999 Annual Town Meeting, to include the following new text in bold, or take any other action relative thereto. The Summary of the Warrant stated: *To protect Shirley's river, stream and pond resources by working with landowners and land use boards and commissions to Town Government to conserve and enhance waterfront land. The work of the Shirley Greenway Committee will be coordinated with that of other Greenway Committees in the cities and towns in the Nashua River Watershed through participation in the regional Greenway Committee established by the Nashua River Watershed Association; and to work with the Board of Selectmen, Conservation Commission, other Town Boards, Commissions and Departments in the implementation of the Town of Shirley's "Open Space and Recreation Plan" (known as*

“Shirley’s Special Places, Open Spaces, and Recreation Lands: A Plan for 2015 – 2021”, as such plan might be amended from time to time); and to work with the Board of Selectmen, Conservation Commission, and landowners for the acquisition of land or interests therein under the authority of M.G.L. Chapter 40 Section 8C, for conservation and recreation purposes and other purposes protected by Article 97 of the Massachusetts constitution. The Shirley Greenway Committee will be composed of five members, to be appointed by the Board of Selectmen to terms of three years, in such a manner that not more than two appointments shall expire each year.

Mike Fleming, Conservation Agent, made a short statement in support of this request.

Card Vote: Moderator Declared Passed by Majority

ARTICLE 19 Transfer To The General Stabilization Fund

Debra Flagg moved, seconded by Bryan Sawyer, to transfer from Free Cash the sum of \$65,000 to the General Stabilization Fund.

Card Vote: Moderator declared Passed by Majority

ARTICLE 20 Transfer to the Capital Stabilization Fund

Debra Flagg moved, seconded by Bryan Sawyer, to transfer from Free Cash the sum of \$25,821 to the Capital Stabilization Fund.

Card Vote: Yes – 51, No – 7; Moderator declared Passed by Majority

ARTICLE 21 Conservation Land Acquisition Fund

Debra Flagg moved, seconded by Bryan Sawyer, to transfer the sum of \$15,000 from Free Cash to be added to the Conservation Land Acquisition Fund.

Mike Fleming, Conservation Agent, made a short statement in support of this request.

Finance Committee stated that they recommended unfavorable action since they believed that the balance in the fund was adequate for their upcoming needs.

Card Vote: Yes – 35; No- 24; *Moderator declared Passed by Majority*

ARTICLE 22: Reaffirmation of Article 97 of the “Fredonian Nature Center”

Debra Flagg moved, seconded by Bryan Sawyer, to approve Article 22 as printed in the warrant. The warrant requested that the Town vote to confirm the dedication, for conservation purposes under Article 97 of the Amendments of the Massachusetts Constitution, in perpetuity, of the Town-owned land known as the “Fredonian Nature Center” (a.k.a. – Fredonian Park) and identified as Assessor’s Map 16-D-15.1, acquired under Article 32 of the March 19, 1973 Town Meeting for conservation purposes, or to take any other action relative thereto.

Mike Fleming, Conservation Agent, made a short statement in support of this request.

Card Vote: Moderator Declared Passed by Majority.

Motion made by audience member, seconded by another audience member, to dissolve Annual Town Meeting at 10:06 p.m.

Voice Vote: Moderator declared Passed by Majority.

Respectfully submitted,

William C. Oelfke
Shirley Town Clerk